

REMARKS

This Amendment is being filed in response to the Office Action mailed July 16, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-14 remain in the Application where claims 5-10 have been added by this amendment. Claims 1, 4, 7 and 11 are independent.

By means of the present amendment, claims 1-4 have been amended for non-statutory reasons, such as beginning the dependent claims with 'The' instead of 'A', and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-4 were not made in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner objected to the Abstract because "DVD+R9" should be changed to "DVD+RW." Applicant

PATENT

Serial No. 10/579,410

Amendment in Reply to Office Action mailed on July 16, 2008

respectfully points out that there is no need for this change, as DVD+R9, also called DVD+R DL (DL stands for Double Layer), is a derivative of the DVD+R format and employs two recordable dye layers. Nevertheless, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

In the Office Action, the Examiner objected to the drawings because of lack of labels in FIGs 1-2. In response, labels have been added to FIGs 1-2. Replacement sheets including FIGs 1-2 are enclosed. Applicant respectfully requests approval of the enclosed proposed drawing changes and withdrawal of the drawing objection.

In the Office Action, claims 1-2 and 4 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Application Publication No. 2003/0058765 (Schreurs). Further, claim 3 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Schreurs. In addition, claim 3 is also rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Schreurs in view of U.S. Patent Application Publication No. 2005/0154682 (Taylor). Further,

claim 3 is also rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Schreurs in view of U.S. Patent Application Publication No. 2001/0053114 (Miyake). It is respectfully submitted that claims 1-14 are patentable Schreurs, Taylor and Miyake for at least the following reasons.

Schreurs is directed to a method and recording device for selecting an optimal write strategy for a specific type of optical recording disk. Such an optimal write strategy is selected even when the optical recording disk is of a type that has not been previously encountered. This is achieved by testing the write strategies first at the maximum possible write speed and if necessary, at successively lower speeds until a write strategy that achieves a minimum acceptable write quality is identified or until the minimum write speed is reached. The write strategies are tested by writing a test pattern on the disc at a certain speed, reading back the written test pattern, and determined the write quality from the read test pattern. Thus, any reading in Schreurs is related to reading a test pattern written on the disc by the device itself.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 4, 7 and 11, amongst other patentable elements recites (illustrative emphasis provided) :

a user-information recovery unit for instructing the reading unit to read the user-information present on the recordable medium, upon failure of the recognition unit to recognize the recordable media type present in the table to which the recordable medium belongs.

Reading user-information present on the recordable medium, upon failure to recognize the media type is nowhere disclosed or suggested in Schreurs. Rather, Schreurs merely discloses, when an unregistered disk type is encountered, writing test patterns at successively lower speeds on the disc, and reading the test patterns to determine the write quality. Taylor and Miyake are cited to allegedly show other features and do not remedy the deficiencies in Schreurs.

Accordingly, it is respectfully submitted that independent claims 1, 4, 7 and 11 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-3, 5-6, 8-10 and 12-14 should also be allowed at

PATENT

Serial No. 10/579,410

Amendment in Reply to Office Action mailed on July 16, 2008

least based on their dependence from amended independent claims 1, 4, 7 and 11.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

PATENT

Serial No. 10/579,410

Amendment in Reply to Office Action mailed on July 16, 2008

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
October 13, 2008

Enclosure: Replacement drawing sheets (2 sheets including FIGs 1-2)

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101